

LWV of East Alabama — Observer Corps Report

Agency: AUBURN CITY COUNCIL

Date: February 19, 2019

Location: 141 North Ross Street, Auburn

Website: <https://www.auburnalabama.org/city-council>; see also, <https://www.youtube.com/watch?reload=9&v=Rrk3c3ISAsM&feature=youtu.be>

Staff present (Approx. Number): Five (5) or more

Number in Audience: 50 plus

FEATURE EVALUATED	YES	NO	COMMENTS
Did meeting start on time?	X		
Were all members present?		X	Mayor absent due death in family.
Were members attentive?	X		
Did the members appear to have done their "homework"?	X		
Were members courteous to each other and the public?	X		
Was the agenda online at least 24 hrs. before?	X		
Did agenda items clearly describe what was to be discussed?	X		
Was there adequate opportunity for public input?	X		
Was there the appearance that some action items were discussed in closed rather than open session?		X	Again, members of the Council seemed very much interested in transparency.
Was background information available to public?	X		

Were any topics on the agenda of interest or relevant to any LWVEA members or its friends?

Preface: The below summary is meant to address the most significant of topics addressed by the Councilors or over which the public expressed significant concern(s). It is not intended to be exhaustive nor repetitive.

1. **PUBLIC SAFETY FURNITURE:** An item of import on the Agenda, including supporting documentation were Items # 8.a.(1) – (3); i.e., the matter of furniture for the new Public Safety Facility totaling over \$1,021,000. Items for purchase were made available and clearly identified in the Agenda ePacket prior to meeting; hence, required little discussion prior to approval.

2. **TRANSPARENCY AND OPENNESS:** It is worthy to note that supporting documentation for Agenda items (170 +/- pages) are provided the Friday prior to the Tuesday meeting. Also, *Work Sessions* are held Fridays and are open to the public. *Committee of the Whole* meetings, which are open to the public, are held Tuesdays prior to the formal meetings that begin promptly at 7:00 p.m. Central Time. Additionally, Council meetings are recorded in their entirety and posted on the above referenced website, typically, within two days of the meeting. And, finally, persons interested in being heard are given two (2) opportunities to express their interests and/or concerns. The first opportunity to present concerns is during the *Citizens' Communication on Agenda Items* (5 minutes) and, secondly, during *Citizens' Open Forum* (3 minutes) held at the end of the Agenda prior to adjournment during which time people may introduce any topic of concern to them. To date, I do not recall anyone expressing a concern over the time allotted to speak. The only concerns raised to me to date has to do with the start of the Committee of the Whole; i.e., whether it starts at 6:30 p.m. or 6:50 pm. or any time in-between. My response is for people to plan to arrive early (circa 6:30 – 6:40 p.m.) and bring something to read until the meeting commences.

3. **ACADEMIC DETACHED DWELLING UNIT (the “ADDU”)**: Proposed Zoning Ordinance Change.

A number of Auburn residents expressed concern over the [proposed ordinance](#). Concerns include, but are not limited to, the following:

- a. An individual commented that there was a need for a surgical approach rather than a broad brush one; this is not a city-wide issue. For example: examine the unique characteristics of the Canton vs. the Judd Avenue area, etc. and regulate to the unique attributes of each neighborhood so examined.
- b. Same individual commented that distinguishing between five (5) unrelated individuals living together (RBD zoning requirements) and five (5) unrelated individual living together under the ADDU proposal would at best be challenging. In the future existing floor plan layouts for the two housing types would be only distinguishable upon physical inspection of the actual dwellings themselves. Enforceability would be a challenge.
- c. Northwest Auburn resident(s) commented that area residents had very little input to the Comprehensive Plan update and that, again, they were being excluded from the planning process by Planning staff’s proposal to allow Academic housing as a Conditional Use in their neighborhood. The NW Auburn residents were under the impression that the so-called *Corradino* property would be developed under the Neighborhood Conservation (the “NC”) District Zoning regulations and was rezoned without community input. Below is a summary of the distinction among the NC, RDD, and ADDU Zoning Districts:

Neighborhood Conservation District (the “NC”): Section 304.06 of the Zoning Ordinance states, in part, that the Neighborhood Conservation (NC) District is intended to preserve the character of existing neighborhoods by *allowing individuals to live together that are related by blood, marriage, adoption or guardianship up to the second degree of consanguinity, plus one unrelated person.*

Redevelopment District (RDD). Section 304.09 of the Zoning Ordinance. The Ordinance states, in part, that the District is intended to promote the renewal of those transitional areas of the City of Auburn that have undergone extensive changes in land use type and density/intensity, and where the transition from generally low-density residential land use to higher residential densities and small-scale commercial, office and institutional use has occurred in a haphazard manner. The District provides regulations that permit redevelopment of an urban character. It provides for intermediate residential densities and necessary commercial and institutional uses. Pursuant to the Zoning Ordinance (Article IV, Table 4-1), the RDD allows Town and Twin Homes, Duplexes, Cottages, Multi-family, and Zero Lot Line Homes as **Conditional Uses**. Single Family Homes are a **Permitted Use**. *Occupancy in the RDD is limited to five (5) unrelated individuals, except as otherwise provided in the Zoning Ordinance.*

Academic Detached Dwelling Unit (the “ADDU”): Proposed Text Amendment – Article II, Section 203 – Definitions: In short, the proposal provides for the construction and occupation of free-standing [single family] structures to be occupied by *no more than five (5) residents of academic institutions*. [This writer questions the use of the term “residents”; it would preclude all but those individuals residing in housing units owned and/or managed by academic institutions, such dormitories and/or sororities at, for example, Auburn University. It would appear the word *enrollees* would be a better descriptor. See various dictionaries for correct use of the term *residents*. Additionally, this raises the question as to the enforceability of the provision at all occasions except at the design and construction stages].

Persons commenting at the Council meeting and at prior venues expressed a strong desire to preserve their NW Auburn neighborhood and to do that by zoning property as the Neighborhood Conservation District (the “NC”). It should be noted that much of the area to the east, south, and north of the Corradino property is zoned DDH. Below is a description of the DDH Zone.

304.07 Development District Housing (DDH). The Development District – Housing (DDH) - is a District that is designed to promote conventional and performance single family housing and/or provide a transition between the NC and the CDD. According to the Zoning Map, this district is situated south of Dunford and east of the Corradino property to Byrd and northward to as far as Ware Drive (the Lee County Humane Society). It should be noted that pursuant to Section 502.02I, *Church-related accessory uses, such as student centers, day care centers, dormitories, boarding houses, and recreation centers, shall be prohibited in the Neighborhood.*

Furthermore, note that much of the area that lies between Byrd and Foster and extending northward to Pleasant Avenue is zoned **NC-8 – Neighborhood Conservation**.

Lastly, a relatively small portion of land lying south of Holmes Avenue and extending eastward to Foster is zoned NRD. Below is a description of the NRD Zone.

304.08 Neighborhood Redevelopment District (NRD). Pursuant to the Zoning Ordinance, the Neighborhood Redevelopment District is designed to promote infill and renewal of existing neighborhoods by allowing a variety of residential uses while preserving and complimenting the character of the single-family residential areas adjacent to this District. Permitted uses include conventional and most performance residential uses with the intention of accommodating moderate densities and providing a transition between CRD-W and NC. The following uses are **Permitted Uses** pursuant to the Zoning Ordinance (Article IV, Table 4-1): Town and Twin Homes, Duplexes, Cottages, Zero Lot Line Homes and Single-Family Homes. Multi-family housing is allowed as a **Conditional Use**.

For a list of all zoning types, go to [Zoning Ordinances](#) (see Article III, section 301). For a more complete description of uses allowed in Zoning Districts, the reader is encouraged to visit [Article IV, Table 4-1](#).

[**Commentary:** Upon review of the above cited and related provision of the Zoning Ordinance, it appears to this writer that the current zoning of the *Corradino* property to the RDD zone could be interpreted as SPOT ZONING by not taking into account the prevailing zoning of the surrounding properties and nearby resident interests and concerns, both of which conflict with long-standing principles of community planning.]

- d. A third interested person commented on the provision that requires 1.1 onsite parking spaces per bedroom maintaining that the provision would discourage and, likely, prohibit the redevelopment of any number of lots.

Same individual commented that the provision regarding floor plan submission seems ambiguous and that said plans will be required as part of the submission package to the Planning Commission instead of post-Planning Commission and, possibly, Councilmanic review.

4. Lastly, after the Commission meeting, this writer met with a member of the Planning staff asking for a clarification of the floor plan review process. I noted that the requirement was not included in the proposed ordinance nor referenced therein. According to the staff member, the intent is to add the requirement to the [Plan Submittal Check List \(page 3\)](#). Also, attention is directed to **Section 802.09.C. - Conditional Uses**, which *requires that for developments requiring approval of a*

*conditional use, a request for such approval shall be submitted to the Planning Commission and City Council, and the conditional use shall be approved prior to final approval of the site plan [I suggest adding the words - **“and floor plans”**]. A site plan and a conditional use request may be processed concurrently.*

5. In response to a question asked by a fifth individual as to whether the proposal would take away existing rights of development, Mr. Cotten responded that it would only do so were the existing areas now designated for single-housing used for multiple occupant not related or otherwise permitted in single family units.
6. Planning Director Forrest Cotten appeared to be frustrated at the meeting by the public's apparent lack of understanding of the proposed ADDU ordinance, as evidenced by some of the public comments. Mr. Cotten mentioned that some citizens' comments were "*extraordinarily off-base,*" "*without basis,*" and "*riddled with misunderstanding and inaccuracies.*" As was suggested by Mr. Cotten, City Manager Buston, and select Councilors, more public meetings may be warranted to address the intent and requirements of the proposed ordinance to gain public support for its passage.

After further discussion, the City Manager and Councilors agreed to table the decision on the proposed ordinance until the March 5th Council meeting, allowing time for Councilors and the public to address their concerns with the Planning Department. If the outstanding issues are not resolved over the course of the next two weeks, the Council likely will elect to defer the ordinance to the March 19th or later meetings. In any case, one should reasonably expect the issues will, ultimately, be resolved and some version of the existing proposal adopted.

7. An update recorded on February 25, 2019, from City of Auburn Planning Director Forrest Cotten with News Talk WANI may be found [online](#).

END OF REPORT

<http://www.lwv-eastalabama.org/takeaction>

Observer Corps Report by Bruno O. Ulrich February 25, 2019